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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,639	02/25/2004	Winson Lin	4311CN	9172

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EXAMINER

BOSWELL, CHRISTOPHER J

ART UNIT	PAPER NUMBER
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3676

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/789,639

Applicant(s)

LIN, WINSON

Examiner

Christopher Boswell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 12-18 is/are rejected.
- 7) ☒ Claim(s) 6-11 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/25/04.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, and 16-18 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Number 3,123,387 to Jackson et al.

Jackson discloses an exit door with a doorframe (20), a door panel (14) having a stile (10 and 11), and a presser bar device (figures 1 and 2) including two lock rods (65 and 66), a housing (31) with an oblong hole (41), a drive pin (42) attached to a lock rod and slidably received in the oblong hole, and a bracket (35) received in the housing and having a space defined by a hook to receive the drive pin (figure 2), the presser bar device also having a crank pivotally attached to the housing and having a first end (38) coupled to the bracket and having a second end (33), and a presser bar (34) carried on the door panel and actuatable onto the second end of the crank, the presser bar device also including means for biasing the lock rods (71) to selectively lock the door panel to the door frame, and the crank allowing the presser bar device to be attached to either side of the door panel (column 3, lines 30-50), as in claim 1,

Jackson also discloses a presser member (column 1, lines 60-62) extending from the presser bar to actuate the second end of the crank, as in claim 2, as well as the presser bar device

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includes two casing (76 and 91) attached to the lock rods respectively, to selectively engage in to the door frame (21 and 22), as in claim 3.

Jackson further discloses the door frame includes an aperture (82) formed therein, the door panel includes a passage (101) formed therein to slidably receive the casings, and two shields (78 and 80) slidably attached thereto and each having an orifice (79) selectively aligned with the passage of the door panel, and means for biasing (106) the shield relative to the door panel to selectively offset the orifice of the shield from the passage of the door panel, and to engage the shield with the casing, as in claim 16, wherein the door frame includes an actuator (100) attached thereto for selectively engaging with the shield, to move the shield against the biasing means, as in claim 17, as well as the door frame includes a board (21) secured thereto and having an opening (column 2, lines 42-43) formed therein and aligned with the aperture thereto to selectively receive the casings, as in claim 18.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-5, and 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jackson, as applied above, in view of U.S. Patent Number 5,816,017 to Hunt et al.

Jackson discloses the invention substantially as claimed. Jackson discloses a presser bar device that includes two casings (76 and 91) attached to the lock rods to selectively engage the door frame (figures 2 and 4). However, Jackson does not disclose the casings to include a space between two ears, and a first flap received within the space. Hunt teaches of casings that have a space (82) defined between two ears (column 11, lines 8-11), and a flap (84) received in the space of the casing, as in claim 4, wherein the flap has an orifice (figure 4) extending within, and a pole (85) attached to the casing and loosely engaged (column 11, lines 8-11) through the orifice of the flap to loosely attach the flap to said casing, as in claim 5, wherein the flap is arranged to be partially extended out of the casing (figure 7), as in claim 12, wherein the flap has an inclined surface, and the ears have an inclined surface, in which the inclined surface of the flap includes an inclination different from that of the inclined surface of the ears (figures 6 and 7), as in claims 13 and 14, as well as means for biasing (88) the flap out of the casing, as in claim 15, in the same field of endeavor for the purpose of providing an exit device assembly to retain a door closed under normal conditions and prevent surreptitious manipulation and entry by intruders, and in fire door applications, the exit device assembly must also maintain the door structure under the high heat and flame conditions of a fire, where such fire conditions can attack the exit device, preventing the releasing of the bolts causing the door to pop open (column 1, lines 42-53). It would have been obvious to one with ordinary skill in the art at the time the invention was made to have the casings of Jackson include a space incorporated between two ears, and a flap received in the space of the casing, wherein the flap has an orifice extending within, and a pole attached to the casing and loosely engaged through the orifice of the flap to loosely attach the flap to said casing, wherein the flap is arranged to be partially extended out of the casing,

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wherein the flap has an inclined surface, and the ears have an inclined surface, in which the inclined surface of the flap includes an inclination different from that of the inclined surface of the ears, as well as means for biasing the flap out of the casing in order to provide an exit device assembly to retain the door closed under normal conditions and prevent entry by intruders, and in fire door applications, the presser bar device maintaining the door structure under the high heat and flame conditions of a fire, preventing the releasing of the bolts causing the door to pop open.

Allowable Subject Matter

Claims 6-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

The teachings of the references of the prior art of record taken as a whole do not teach or render obvious the combination set forth, including that of at least one second flap received in that space of the casing and where the first flap has a channel, and a second pole attached to the casing and extending through the channel of the first flap, loosely attaching the first flap to the casing.

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Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to presser bar devices and the bolts extending therefrom:

U.S. Patent Number 6,641,183 to Brown, U.S. Patent Number 5,702,134 to Hsieh, U.S. Patent Number 5,114,192 to Toledo et al., U.S. Patent Number 5,088,786 to Linder, U.S. Patent Number 4,961,330 to Evans, U.S. Patent Number 4,387,917 to Cocker, U.S. Patent Number 3,819,213 to Vanderburgh.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Boswell whose telephone number is (703) 305-4067. The examiner can normally be reached on 8:30 - 5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (703) 308-2686. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



CJB
September 3, 2004

DANIEL P. STODOLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600